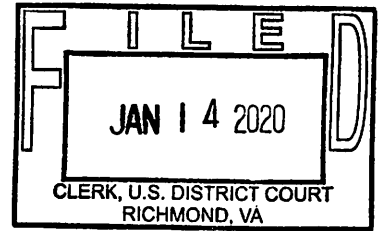


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

DANIEL RODRIGUEZ, JR.,



Petitioner

v.

Civil No. 3:19CV845

COMMONWEALTH OF VIRGINIA,

Respondent.

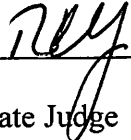
REPORT AND RECOMMENDATION
(Recommending Dismissal for Lack of Exhaustion)

Petitioner, a Virginia inmate proceeding *pro se*, filed a 28 U.S.C. § 2254 petition (§ 2254 Petition,” ECF No. 1). Before a state prisoner can bring a § 2254 petition in federal district court, the prisoner must first have “exhausted the remedies available in the courts of the State.” 28 U.S.C. § 2254(b)(1)(A). Exhaustion is accomplished by presenting the claims to the Supreme Court of Virginia for review either on direct appeal or in a collateral proceeding. The record fails to indicate that Petitioner has properly exhausted his state court remedies with respect to his claims. Accordingly, it is RECOMMENDED that the action be DISMISSED for lack of exhaustion.

Petitioner is advised that he may file specific written objections to the Report and Recommendation within fourteen (14) days of the date of entry hereof. Such objections should be numbered and identify with specificity the legal or factual deficiencies of the Magistrate Judge’s findings. See Fed. R. Civ. P. 72(b). Failure to timely file specific objections to the Report and Recommendation may result in the dismissal of his claims, and it may also preclude further review or appeal from such judgment. See *Carr v. Hutto*, 737 F.2d 433, 434 (4th Cir. 1984).

The Clerk is directed to send a copy of this Report and Recommendation to Petitioner.

It is so ORDERED.

/s/ 
Roderick C. Young
United States Magistrate Judge

Date: January 14 2020
Richmond, Virginia